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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,696	02/15/2002	Olivier Brique	16673-6	4633

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EXAMINER

ALAM, SHAHID AL

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/049,696	<b>Applicant(s)</b> BRIQUE ET AL.	
	<b>Examiner</b> Shahid Al Alam	<b>Art Unit</b> 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-39 is/are pending in the application.
- 4a) Of the above claim(s) 32-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 27 – 31 are pending in this Office action.

### *Response to Arguments*

2. Applicant's arguments filed May 31, 2006 have been fully considered but they are not persuasive for the following reasons.

Applicants argue that "The main drawback of the Pirovano process, therefore, is the limitation on **databases addressing**. The present invention addresses the shortcomings of Pirovano by providing a process that **allows transmission of messages to a set of subscribers that is not defined in advance**. Persons skilled in the art cannot deduce from Pirovano the solution of the present invention because the messages sent to the subscriber's database have to be individually addressed for each destination database. Pirovano does not solve the problem of **the risk to overload the system resulting from the updating of a large quantity of database**. A combination of Pirovano with Yamagishi document will give a system wherein the update report data are transmitted individually to each receiver. The drawback of such system is the important data exchange over the networks in both directions. The aim of the present invention is **to minimize the data stream by sending an identical message to each receiver in a unidirectional way** (server to receiver).

Examiner respectfully disagrees the entire allegation as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification.

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 162 USPQ 541,550-51 (CCPA 1969).

Applicants' agrees that Pirovano teaches database addressing and in Pirovano, each database comprises a unique identifier used for addressing.

Applicant teaches in the claim language that providing identical message without **specific** database addressing, but Pirovano teaches databases addressing which can include general, random and various other form of database addressing. Thus, the above argument is not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **"allows transmission of messages to a set of subscribers that is not defined in advance"** and **"the risk to overload the system resulting from the updating of a large quantity of database"**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The conditional updating of Yamagishi reference (Figure 11, column 15, line 19 – column 18, line 26) clearly teaches applicants' claimed limitation the conditional updating of the databases.

In response to applicant's argument (the combination of Pirovano and Yamagishi documents do not overcome the solution as disclosed by the present invention) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yamagishi with Pirovano to enable quick and efficient distribution of data.

In response to argument, Applicants' argue that to minimize the data stream by sending an identical message to each receiver in an unidirectional way, but Yamagishi teaches a bi-directional communication and one of ordinary skill in the art should know that unidirectional is a subset of bi-directional. Therefore, Yamagishi clearly teaches applicants' claimed limitation.

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action and believes that rejection of the last Office action was proper.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 27 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0491069 A1 issued to Tullio Pirovano et al. ("Pirovano") and in view of U.S. Patent Number 6,370,143 issued to Yasuaki Yamagishi ("Yamagishi").

With respect to claim 27, Pirovano teaches method for transmitting messages over a communication network (Figure 1, page 3, lines 7 – 8) for updating network user terminal databases, which messages are transmitted from a server of a network managing center to a plurality of distributed user databases, each stored in a user terminal (see Figure 1; page 3, lines 39 – 42), comprising the step of:

providing identical messages without specific database addressing to be transmitted from the managing center, having controls that include queries for searching the content of distributed user database for predetermined data (page 9, lines 30 – 35); and updating of distributed user terminal database according to criteria that determines whether said predetermined data is either present or not present in the content of the distributed user terminal database (see abstract and page 2, lines 47 – 54). Pirovano teaches Broadcaster (2) and Broadcast Transmission unit (3) which represents managing center where updating of database take place (see Figure 1).

Pirovano does not explicitly teach conditional updating of the database as claimed.

Yamagishi teaches a server structures at least update report data and transmits the update report data over a unidirectional broadcasting network enabling broadcast and contents of the database are updated with the distributed data (see abstract, column 1, lines 52 – 62 and column 6, lines 59 – 67) and conditional updating of the database (see Figure 11, column 15, lines 19 – 45).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Yamagishi with Pirovano to enable quick and efficient distribution of data (column 1, lines 49 – 50; Yamagishi).

As to claim 28, the connection between the managing centre and the databases is mainly unidirectional (page 2, lines 1 – 2).

As to claim 29, distributed user databases are integrated in Pay-TV reception subscriber's units and wherein the predetermined data comprise the reception rights of a subscriber (page 2, lines 29 – 39; Pirovano and column 7, lines 1 – 11; Yamagishi).

As to claim 30, the updating messages comprise a set of control-blocks comprising data and controls, and wherein said updating messages consist of carrying out comparison operations between the data and the contents of the distributed user database (Pirovano: page 6, line 34 – 39) and determining an action depending on the comparisons results, either to update the database, carry out the subsequent control block, to jump to another control block, or to terminate the message handling (Pirovano: page 5, lines 4 – 9).

As to claim 31, the database is divided or is of the relational type RDB (Yamagishi teaches database and distribution of data (column 1, lines 52 – 62 and column 6, lines 59 – 67)).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



Art Unit: 2162

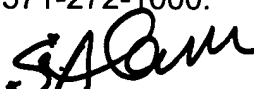
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Shahid Al Alam  
Primary Examiner  
Art Unit 2162

20 August 2006